

8.1.02

PATENT
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : SUN, J.

Appl. No. : 09/769,388

Examiner: Pryor, A.H.

Filed : January 26, 2001

Art Unit: 1616

Title : PASTE FORMULATION FOR SEED TREATMENT OF PLANTS

Attorney Docket No.: 0070-OS (UNI065US)

RESPONSE

Commissioner for Patents
Washington, D.C. 20231

RECEIVED

AUG 01 2002

TECH CENTER 1600/2900

Sir:

Reconsideration of this application is respectfully requested.

The following is in response to the Office Action of July 15, 2002.

Claims 1 through 14 are pending in the application.

Claims 1 through 12 have been allowed.

Claims 13 and 14 have been rejected under 35 U.S.C. 112, first paragraph, because, according to the Examiner, "... the specification, while being enabling for derivatives named in instant invention, does not reasonably provide enablement for derivatives not name in the instant specification. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make / use the invention commensurate in scope with these claims."

Response
SUN, Jinxia
Appl. No. 09/769,388

Claims 13 and 14 have also been rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. According to the Examiner: "The term 'derivatives' in claims 13 and 14 is a relative term which renders the claim indefinite. The term 'derivatives' is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention."

These grounds for the rejection of claims 13 and 14 are respectfully traversed.

Support for the features of claims 13 and 14 appears in the application, as filed, beginning on page 10, at line 21, and continuing on through to page 13, line 10. On page 11, lines 1 through 5, it is stated, "Surfactants suitable for purposes of the present invention are listed in McCutcheon's Emulsifiers & Detergents, at pages 287-310 of the North American Edition (1994), and in McCutcheon's Emulsifiers & Detergents, at pages 257-278 and 280 of the International Edition (1994), both published by MC Publishing Co. (McCutcheon Division) of Glen Rock, N.J." On page 11, lines 17 through 21, it is stated, "Dispersants suitable for purposes of the present invention are listed in McCutcheon's Functional Materials, at pages 122-142 of the North American Edition (1994), as well as in McCutcheon's Functional Materials, at pages 47-56 of the International Edition (1994), both published by MC Publishing Company (McCutcheon Division) of Glen Rock, N.J." The undersigned does not have copies of these 1994 references, but has been provided with copies of what is understood to be the equivalent portions of the 2000 edition. Copies of these portions have also been provided to the Examiner as a part of the Information Disclosure Statement filed

Response
SUN, Jinxia
Appl. No. 09/769,388

February 12, 2001, i.e., *McCutcheon's Emulsifiers & Detergents*, North American Edition (2000), Volume 1, pages 289-324 and *McCutcheon's Emulsifiers & Detergents*, International Edition (2000), Volume 1, pages 256-278.

On page 256 of the International Edition and page 300 of the North American Edition, under "Chemical Classification", it is stated: "The following list classifies the products contained in this volume by the major surfactant types." A perusal of the following pages will show that the listings provided in the present specification are a selected number of these "major surfactant types." Thus, with regard to present claims 13 and 14, "diphenyl sulfonate derivatives" is a heading on page 305 of the North American Edition, and "lignin and lignin derivatives" is a heading on page 314 of the North American Edition. Under each of these headings, the names of a number of commercially available materials are listed, along with the names of manufacturers from whom they can be obtained.

It is therefore the Applicant's position that those skilled in the art, upon reading the Applicant's disclosure, seeing the references to McCutcheon, and the listing of preferred surfactants and dispersing agents, would have no trouble understanding that "diphenyl sulfonate derivatives" includes such products as Calfax DB-45, Dowfax C10L, Poly-Tergent 2A1, Rhodacal DSB, and the like, and that "lignin and lignin derivatives" includes such products as Actiflo Series, Alcolec, Centrol CA, Clearate, Lexin K, and the like.

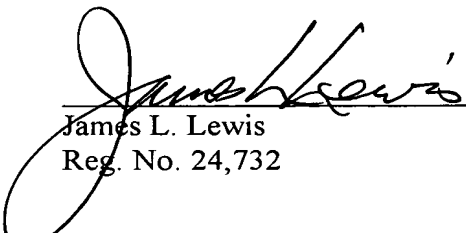
Thus, it is requested that the rejections of claims 13 and 14 under 35 U.S.C. 112, paragraphs 1 and 2 be withdrawn.

Response
SUN, Jinxia
Appl. No. 09/769,388

In view of the foregoing, it is submitted that this application is in condition for allowance and an early Office Action to that end is respectfully requested.

Respectfully submitted,

7/31/02
Date


James L. Lewis
Reg. No. 24,732

Levy & Grandinetti
Suite 1401
1725 K Street, N.W.
Washington, D.C. 20006-1401

(202) 429-4560